

CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
Environment and Sustainable Infrastructure Division

TO: Chair and Members Public Works Committee	WARD(S) AFFECTED: WARD 12
COMMITTEE DATE: March 5, 2012	
SUBJECT/REPORT NO: Shaver Estates Park - Tree Removal Report (PW12013) - (Ward 12)	
SUBMITTED BY: Gerry Davis, CMA General Manager Public Works Department	PREPARED BY: Cynthia Graham (905) 546-2424, Extension 2337
SIGNATURE:	

RECOMMENDATION

- (a) That sixty-one (61) of the existing living trees, as stated in Report PW12013 be approved for removal to facilitate the creation of neighbourhood parkland facility at Shaver Estates Park;
- (b) That Appendix "A" attached to Report PW12013 illustrating tree removals at Shaver Estates Park be approved.

EXECUTIVE SUMMARY

The purpose of this report is to request the approval for the removal of 61 living trees at Shaver Estates Park in Ward 12, to facilitate the creation of tableland parkland at the site for neighbourhood park purposes (see Appendix "A" for removal plan and site location). An additional 4 dead trees will be removed during the park development.

The City acquired the park parcel in 2007, during the subdivision development process for the adjacent lands. The park parcel was identified and approved for neighbourhood park purposes through the Shaver Estates Secondary Plan by the former Town of Ancaster in 1994.

The park parcel has been studied, and an Integrated Environmental Impact Statement (EIS) completed for the purposes of Conservation Authority permit approval, since a core wetland is adjacent to the park and a watercourse traditionally ran through the property. The EIS explores the park development options and recommends

compensation strategies for the natural area lost for the creation of the neighbourhood park amenity space.

The development process for new subdivisions today would include a clause in the subdivision agreement that ensures parkland is provided to the City in a developable state, that is rough grading, fencing, and sodding are all completed prior to City ownership. The subdivision agreement with the developer in the case of Shaver Estates was initiated in 1997, and did not include site preparation of the park parcel prior to city ownership; therefore, the land is in a raw state and the City must undertake the rough grading and tree clearing. No grading work has been done to date.

The total park parcel is 1.68 hectares in size. The park design will include 0.41 hectares of active parkland, with the remainder either undisturbed (0.98 hectares) or restored to a natural state (0.29 hectares). The total number of trees on the site is 248, and a total of 183 original trees will remain on site after the removal of trees requiring compensation, as well as trees that meet Forestry criteria for removal due to condition or species. A proposed 32 trees of 60 mm caliper will be planted as part of the park development.

Total compensation required for the tree removals is \$5,310 with this value offset by the proposed tree plantings, so no payment is required to Forestry and Horticulture.

Alternatives for Consideration - See Page 5

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: There is sufficient appropriation in the Capital Budget number 4400256104 (Shaver Estates Park) to fund the cost for the removal of these trees. The 2012 capital budget for Shaver Estates identifies funding for the creation of the parkland at Shaver Estates, and includes the funding required for the planting of the proposed trees at the park.

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

Neighbourhood Parkland was identified in the Shaver Estates Secondary Plan in 1994, by the former Town of Ancaster, and was purchased by the City from the property owner for parkland in 2007.

In 1993, a Master Drainage Study was prepared for the entire Shaver Estates Neighbourhood area, to guide the development planning process and appropriate land use for the area. The subdivision agreement process with the developer was initiated in 1997, with the former Town of Ancaster. Development processes at that time did not require developers to prepare parkland to be ready for use; therefore, no site preparation, tree removal, grading, or sodding has been completed on this site.

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In 2009, Landscape Architectural Services staff began the process of site review for the park development. Staff is following the direction provided by the Shaver Estates Secondary Plan and Parkland policies from the City of Hamilton Urban Official Plan, to develop this parcel for neighbourhood park purposes. Typically, a neighbourhood park development would include the entire park parcel for active and passive recreation, informal and formal play areas for the residents surrounding the park. In the case of Shaver Estates Neighbourhood Park, a modified approach was developed to preserve 75% of the parkland for natural area (1.27 ha of the 1.67 ha available) in consideration of the core wetland and existing habitat, while still providing neighbourhood park amenities.

Through consultation with the Grand River Conservation Authority (GRCA), the City began the process of studying the site for environmental impacts of park development through an Environmental Impact Statement (EIS). The site is within the permitting jurisdiction of the GRCA, due to the watercourse that historically ran through the site and the adjacent core wetland to the east. In October 2011, the GRCA reviewed and deemed “satisfactory” the EIS prepared for the site, providing the opportunity for the City to pursue a permit from the GRCA under the “Fill, Construction, and Alteration to Waterways Regulation”.

In April 2011, the City hosted a joint Public Information Centre (PIC) with Strategic Planning staff (for the Garner Road Class Environmental Assessment), to present the public with the proposed park development plans.

The City is now pursuing the permit from the GRCA to proceed with the park development, according to the proposed plan. In order to fulfil the requirements for neighbourhood park amenities according to the approved Secondary Plan, the City will need to fill a portion of the site that is at a much lower grade than the surrounding developed lands and street. Due to this filling, the 61 living trees will need to be removed, as they will not survive the grade change to make a level park area, suitable for a play structure, benches, open grass area, and picnic area.

The proposed park design includes 32 trees to be planted, which represent a compensation of 1,920 mm caliper. The total caliper of the trees requiring compensation payment is 590 mm. Therefore, the compensation payment to Forestry and Horticulture for the removal of the trees is offset. The parkland will still provide woodland habitat, as the site currently contains 248 trees (mainly on a cultural woodland slope, containing Black Walnut and Red Oak), leaving 183 original trees remaining on site after parkland development.

The species of the trees to be removed are in the Mineral Thicket Swamp community, and were found to contain Trembling Aspen (*Populus tremuloides*), Cottonwood (*Populus deltoids*), Willows (*Salix spp.*), White Pine (*Pinus strobus*), American Elm (*Ulmus Americana*), Black Walnut (*Juglans nigra*), and Buckthorn (*Rhamnus cathartica*). Only the White Pine and Black Walnut are considered to be quality species. The proposed planting plan contains only native high quality species.

POLICY IMPLICATIONS

Where it has been determined that the removal of public trees is required for Planning and Development projects, or for municipal operations, the City of Hamilton Forestry By-Law 06-151 states that *“the Director must have City Council approve to authorize the removal where the total number of trees to be removed for a particular project is more than or equal to 25 trees.”*

Council approval for tree removal is being requested in accordance with the provisions of the City of Hamilton Public Tree Removal Policy in the Tree By-law Number 06-151. Council approval is not required for the removal of the 4 dead and invasive trees that meet Forestry and Horticulture’s criteria for removal. See discussion under “Relevant Consultation” for further information.

Being “The leader in ‘greening’ and stewardship of the City” is Top Priority 1 in the Public Works Business Plan “Innovate Now”. This park development project will contribute to the preservation of natural area in the Shaver Neighbourhood by allowing restricted access to a natural area that currently is being degraded by unrestricted access. Part of the park development project is a restoration component to establish native habitat on portions of the disturbed park, thereby contributing to the remainder of the natural area, but also acting as a physical barrier to ensure that the degrading activities are minimized.

RELEVANT CONSULTATION

All departments requesting tree removals, where the total number of trees to be removed for the individual project is greater than or equal to 25, require approval by Forestry and Horticulture of Public Works. This tree report, along with the relevant tree removal plan (Appendix “A”) was submitted to Forestry and Horticulture on January 12 2012. Forestry and Horticulture have confirmed that 61 trees have to be removed due to the change in grade required to provide tableland parkland. Four (4) trees were deemed to be dead. These 4 trees will be removed by a contractor without the submission of a replacement tree. Sixty-one (61) trees were found to be in a living condition. These trees require removal because the change in grade required at the site is more than 150 mm (the grade change tolerable without causing undue damage to the health of the tree), and these trees are not in a condition of decline. Forestry and Horticulture supports the tree removal plan based on the requirements of the Secondary Plan therefore, this report requests this approval to allow the park development to proceed.

A public open house for the park development was held on April 29, 2011. Additionally, a neighbourhood update letter was circulated to residents on January 13, 2012, at the recommendation of the Condominium Association board members.

Lloyd Ferguson, Ward 12 Councillor, was consulted on December 13, 2011 regarding the tree removals at Shaver Estates Park, which are necessary to provide tableland

parkland for neighbourhood park amenities according to the Shaver Estates Secondary Plan.

Planning and Economic Development Department staff was consulted regarding the planning processes involved in the development of this neighbourhood.

Environmentally Significant Areas Impact Evaluation Group (ESAIEG) - staff and design consultants presented the findings of the Integrated Environmental Impact Statement (EIS) and the proposed design to ESAIEG on September 8, 2011. ESAIEG included these recommendations:

- The City should provide preventative maintenance on trees to ensure that they remain healthy and are not hazardous.
- Enforcement of encroachments to the Core Area (particularly off homes at Tollgate Drive) should be on-going to prevent degradation of the Core Area.
- The entrance to the park from the homes on Myers Lane should be monitored by the City to ensure informal trails are not formed along the slope.
- A visual barrier (plantings) should be provided between the homes on the south end of the park (along the fence).

Staff is prepared to incorporate these recommendations into the final design. A follow-up review is requested by ESAIEG to review the final engineering drawings.

The staff at the Grand River Conservation Authority (GRCA) have been consulted several times during the design process, and are supportive of the creation of parkland in this area, as it was supported by the GRCA in the 1993 Master Drainage Study. The EIS prepared by the City proposes to compensate for the wetland habitat lost from the parkland construction.

ANALYSIS / RATIONALE FOR RECOMMENDATION

The design of the park responds to recommendations by Grand River Conservation Authority (GRCA), ESAIEG, and community feedback. Traditional park development procedure would be to develop the full park property for park use, including open grassed areas, walkways, play equipment and tree plantings. In this case, parkland development has been balanced with the desire to preserve natural habitat, so the developed park area will only be 24% of the land with the rest undisturbed or restored to natural habitat.

The City will be required to obtain a permit from the GRCA for the "Fill, Construction, and Alteration to Waterways Regulation" prior to construction. This permit has not yet been obtained; however, the City has submitted and received acceptance for the Environmental Impact Statement (EIS) that would be the supporting documentation for a permit. The permit application process is underway.

ALTERNATIVES FOR CONSIDERATION

While it is not recommended, Council may choose to not approve the removal of the 61 living trees at Shaver Estates Neighbourhood Park, thereby limiting the ability of the City to provide neighbourhood parkland amenities, contrary to the Shaver Estates Secondary Plan. The City's Official Plan policy 3.5.3.4 (b) dictates that neighbourhood parks are provided for a population of approximately 5,000 people and are intended to provide areas for passive and sports recreation including informal and formal play areas and may include natural areas.

There is no other suitable park site within the 800 metre service area for neighbourhood park supply to provide park amenities. The park site in its existing condition will not provide any park function.

CORPORATE STRATEGIC PLAN

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Healthy Community

- ◆ Plan and manage the built environment.

APPENDICES / SCHEDULES

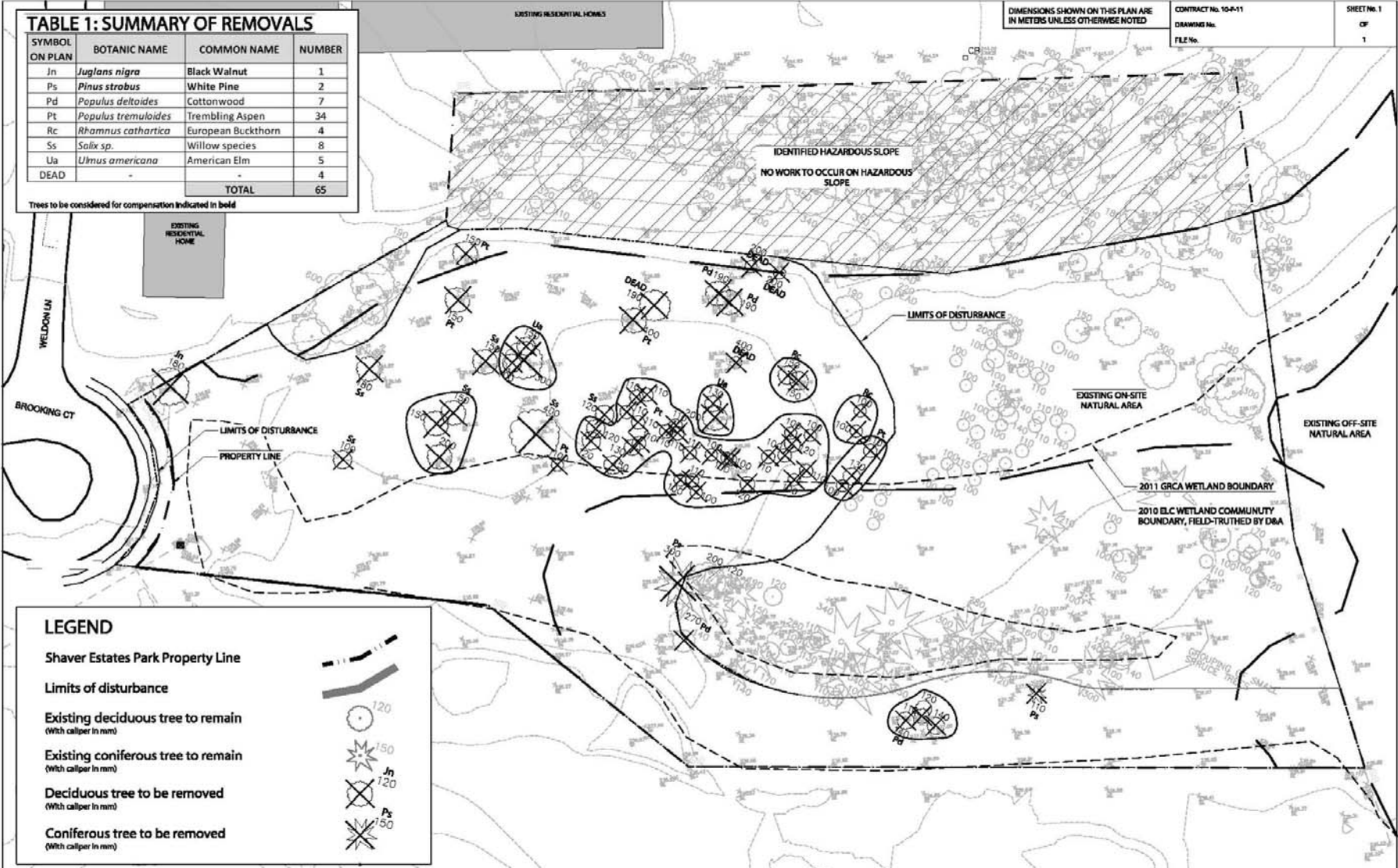
Appendix "A" - Shaver Estates Park Tree Preservation Plan

SHAVER ESTATES PARK

TABLE 1: SUMMARY OF REMOVALS

SYMBOL ON PLAN	BOTANIC NAME	COMMON NAME	NUMBER
Jn	<i>Juglans nigra</i>	Black Walnut	1
Ps	<i>Pinus strobus</i>	White Pine	2
Pd	<i>Populus deltoides</i>	Cottonwood	7
Pt	<i>Populus tremuloides</i>	Trembling Aspen	34
Rc	<i>Rhamnus cathartica</i>	European Buckthorn	4
Ss	<i>Salix sp.</i>	Willow species	8
Ua	<i>Ulmus americana</i>	American Elm	5
DEAD	-	-	4
TOTAL			65

Trees to be considered for compensation indicated in bold



LEGEND

Shaver Estates Park Property Line

Limits of disturbance

Existing deciduous tree to remain
(With calliper in mm)

Existing coniferous tree to remain
(With calliper in mm)

Deciduous tree to be removed
(With calliper in mm)

Coniferous tree to be removed
(With calliper in mm)



REVISION	INITIAL	DATE	CHANGED BY	DATE
1				

SCALE 1:800



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CITY OF HAMILTON
Public Works Department

SHAVER ESTATES PARK
Tree Preservation Plan

DIMENSIONS SHOWN ON THIS PLAN ARE IN METERS UNLESS OTHERWISE NOTED

CONTRACT No. 10-P-11
DRAWING No.
FILE No.

SHEET No. 1
OF 1

10-P-11